



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

PUBLIC MEETING MINUTES:	Board of Cosmetology and Barbering
MEETING DATE AND TIME:	Monday, April 30, 2012 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES APPROVED:	

MEMBERS PRESENT

Kathryn Lord, President, Professional Member
Carol Guilbert, Secretary, Public Member
Hillary Reid, Professional Member
Linda Wilson, Professional Member
Lisa Aurand, Professional Member
Leila Lord, Professional Member
Jordana Naftzinger, Public Member
Albert Niezgoda, Professional Member
Derrick Reed, Professional Member (late arrival at 9:19 am)
Tien Le, Professional Member (late arrival at 9:24 am)
Deborah Boulden, Professional Member (late arrival at 9:24am)

MEMBERS ABSENT

Cecilia Jones, Vice President, Public Member
Melinda Schaeffer, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Eileen Heeney, Deputy Attorney General
Jennifer Witte, Administrative Specialist II
JD Taylor, Investigator
Terry Burke, Court Reporter

OTHERS PRESENT

Theresa Tucci
Robert McGowan
Kelly Darden

CALL TO ORDER

Ms. Lord called the meeting to order at 9:12 a.m.

REVIEW OF MINUTES

A motion was made by Ms. Aurand, seconded by Ms. Naftzinger, to approve the March 26, 2012 minutes as presented. The motion was unanimously carried.

UNFINISHED BUSINESS

Proposal to Deny Hearing – Robert McGowan

The hearing went on record at 9:32 a.m. Ms. Heeney introduced the purpose of today's hearing was the result of the Board's proposal to deny the reciprocity Barber application of Robert McGowan due to administrative penalties on his Pennsylvania license per Del. C. 5107 (a) (4) and she marked as Board Exhibit #1 a packet of documents including application for licensure, verification of PA license, and several pieces of correspondence pertaining to today's hearing.

The Board members were introduced.

Mr. McGowan was sworn in and agreed to proceed without legal counsel. Mr. McGowan testified that when he moved from Pennsylvania to Delaware his PA license lapsed without his knowledge. When this was brought to his attention he immediately made the steps to rectify and paid the \$250 fine. He added that he is retired and now lives in Delaware and only plans to work one day a week cutting hair with no plans of teaching or owning a salon.

There were no questions from the Board.

Ms. Heeney stated that in the Board's Exhibit, the citation from PA states that his license was lapsed for 10 months and asked if Mr. McGowan could elaborate. Mr. McGowan stated that this was the period of time that he transitioned permanently from Pennsylvania to Delaware and when he discovered that the license had lapsed he cleared it up immediately.

There were no further questions.

In closing, Mr. McGowan stated again that he only wants to be able to cut hair once a week and hopes that the Board will grant him licensure.

The hearing went off record and into deliberations.

The hearing went back on record at 9:40 a.m. A motion was made by Ms. Lord, seconded by Ms. Guilbert, to approve the reciprocity Barber application of Robert McGowan. The motion was unanimously carried.

The hearing went off record and adjourned at 9:41 a.m. Verbatim testimony was taken by a court reporter.

Proposal to Deny Hearing – Kelly Darden

The hearing went on record at 9:46 a.m. Ms. Heeney introduced that the purpose of today's hearing was a result of the Board's proposal to deny the Cosmetologist by reciprocity application of Kelly Darden for not meeting the requirements for licensure as set forth in Del. C. 5109 (a) which requires five years of experience prior to applying to Delaware and marked as Board Exhibit #1 a packet of documents including application for licensure, copy of Pennsylvania license, employment verification from Maurice Reid, verification of Pennsylvania license, and various pieces of correspondence pertaining to today's hearing. Ms. Heeney also had marked as Respondent Exhibit #1 an employment verification letter from Pisces Barber & Beauty Salon.

The Board members were introduced.

Ms. Darden was sworn in and agreed to proceed without legal counsel. Ms. Darden testified that she currently lives in Delaware and is aware that she was short on the 5 years of experience requirement. She stated that she is a free-lance Cosmetologist and works photo shoots, fashion shows and most recently the IBS Hair Show in New York. She would like to have a license to be able to work in Delaware as well.

Ms. Heeney explained the 5 years of experience requirements to Ms. Darden.

Ms. Darden answered questions from the Board.

The hearing went off record and into deliberations.

The hearing went back on record at 9:59 a.m. A motion was made by Ms. Lord, seconded by Ms. Le, to re-open the hearing testimony. The motion was unanimously carried.

Ms. Darden added testimony that she now lives in Delaware permanently and has a child that she needs to support. She does good work as a Cosmetologist and would like the Board to re-consider her for licensure.

There were no further questions for Ms. Darden.

Mr. Reed asked the Board President what Ms. Darden would need to do to become licensed in Delaware.

Ms. Lord stated that Ms. Darden would need to complete two more years of Cosmetology experience in Pennsylvania before can become licensed in Delaware.

The hearing went off record and into deliberations.

The hearing went back on record at 10:03 a.m. A motion was made by Ms. Lord, seconded by Ms. Boulden, to deny the reciprocity Cosmetologist application of Kelly Darden based on the requirements for reciprocity. The motion was unanimously carried.

The hearing went off record and adjourned at 10:04 a.m. Verbatim testimony was taken by a court reporter.

Re-Review of Applications

After review, motion was made by Ms. Lord, seconded by Ms. Naftzinger, to approve the Cosmetologist by Reciprocity application of Heather Sherman. The motion was unanimously carried.

After review of criminal history by Ms. Heeney, a motion was made by Ms. Lord, seconded by Ms. Naftzinger, to approve the Cosmetologist Reciprocity application of Patricia Carter. The motion was unanimously carried.

NEW BUSINESS

Ratification of Applications

A motion was made by Ms. Guilbert, seconded by Ms. Lord, to approve the ratification of Barber applications of Ryan Ament, Vincent Strano, Brett Snyder and Reginold McLaurin, the Cosmetologist applications of Glenice Jernigan-Wescott, Michael Silva, Martin Miranda, Clara Thompson, LaTricia Beasley, Renee Minutola, Sarayn Acosta, Jennie Kincaid, Jessie Bryan, Melinda Smiley, Theresa Vornes, Cathy Jacobs (Reinstatement), Jeffona Bozman, and Joseanna Biafore, the Cosmetologist Instructor application of Trina Shipman, the Aesthetician application of Chelsea Panchisin, the Nail Technician applications of Xuan Kieu Thi Bui, Sotheany Hout and Hoa Ma, and the Barber Instructor application of Jacqueline Watson. The motion was unanimously carried.

Review of Reciprocity Applications

A motion was made by Ms. Lord, seconded by Ms. Naftzinger, to amend the agenda to correct 4.2.3 to Sarom Chak. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Naftzinger to approve the Nail Technician applications of Cindy Doan, Minh Tran, Hannah Nhan, Phuc Vinh Nhan, and Tam Minh Nguyen, the Cosmetologist applications of Hien Hoang, Sarom Chak, Linda Lerza, and Lieu Thi Dinh, and the Aesthetician application of Hannah Nhan. The motion was unanimously carried.

Review of Shop/Salon Applications

A motion was made by Ms. Lord, seconded by Ms. Guilbert, to approve the shop/salon applications of Petite Retreat Salon, Lorrieann's Hair Salon, LuAnn L. Miller, Kim's Cuts Ltd., Angel's Nail & Spa, Beauty Bar by Saiko, and Ultimate Creations Hair Salon. The motion was unanimously carried.

Review of Consent Agreement

After review, a motion was made by Ms. Guilbert, seconded by Ms. Le, to accept and approve the Consent Agreements of Donna Moser, Nanci Hong Nguyen, Anh Duc Quach, Tien Thi Phung Nguyen, Ajarkyn Dollard and Boa Doan as presented. The motion was unanimously carried.

Complaint Status

08-55-08-Assigned to Hearing Officer
08-03-09-Assigned to Hearing Officer
08-10-10-Office of the Attorney General
08-13-10-Assigned to Hearing Officer
08-16-10-Office of the Attorney General
08-19-10-Assigned to Hearing Officer

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08-29-10-Closed

08-31-10-Office of the Attorney General*

08-36-10-Closed

08-37-10-Office of the Attorney General

08-38-10-Assigned to Hearing Officer

08-39-10-Office of the Attorney General

08-02-11-Assigned

08-04-11-Assigned

08-06-11-Office of the Attorney General

08-08-11-Assigned

08-09-11-Assigned

08-11-11-Office of the Attorney General

08-12-11-Office of the Attorney General

08-14-11-Assigned

08-15-11-Assigned to Hearing Officer

08-17-11-Assigned

08-18-11-Assigned to Hearing Officer

08-19-11-Assigned

08-20-11-Assigned to Hearing Officer

08-21-11-Assigned

08-24-11-Office of the Attorney General

08-26-11-Assigned

08-27-11-Assigned

08-28-11-Assigned

08-29-11-Assigned

08-30-11-Assigned to Hearing Officer

08-31-11-Assigned to Hearing Officer

08-32-11-Assigned

08-33-11-Assigned

08-35-11-Assigned

08-36-11-Assigned

08-37-11-Assigned

08-38-11-Assigned to Hearing Officer

08-39-11-Assigned to Hearing Officer

08-40-11-Dismissed

08-41-11-Dismissed

08-42-11-Assigned to Hearing Officer

08-44-11-Assigned to Hearing Officer

08-45-11-Assigned to Hearing Officer

08-46-11-Assigned to Hearing Officer

08-47-11-Assigned to Hearing Officer

08-48-11-Assigned to Hearing Officer

08-49-11-Office of the Attorney General

08-50-11-Assigned

08-51-11-Assigned to Hearing Officer

08-52-11-Closed

08-55-11-Assigned to Hearing Officer

08-56-11-Office of the Attorney General

08-01-12-Office of the Attorney General

08-02-12-Office of the Attorney General

08-03-12-Office of the Attorney General

08-04-12-Office of the Attorney General

08-05-12-Assigned

08-06-12-Office of the Attorney General

08-07-12-Assigned to Hearing Officer

08-08-12-Closed

08-09-12-Office of the Attorney General

08-11-12-Assigned

08-12-12-Office of the Attorney General

08-14-12-Office of the Attorney General

08-15-12-Office of the Attorney General

08-16-12-Office of the Attorney General

08-17-12-Assigned

08-18-12-Assigned

08-19-12-Office of the Attorney General

08-20-12-Office of the Attorney General

08-21-12-Office of the Attorney General*

08-22-12-Office of the Attorney General*

08-23-12-Assigned

08-24-12-Assigned

08-25-12-Assigned

08-26-12-Assigned

08-27-12-Assigned

08-28-12-Assigned

08-29-12-Assigned

08-32-12-Assigned

08-33-12-Assigned

08-36-12-Assigned

Applications for Review-Eileen Heeney

After review of the report from the State Bureau of Identification by Ms. Heeney, a motion was made by Ms. Lord, seconded by Ms. Guilbert, to approve Latarsha Tingle and Robert Allen III to sit for the Cosmetology exam. The motion was unanimously carried.

CORRESPONDENCE

Ms. Witte received correspondence from the National Coalition of Estheticians, Manufacturers/Distributors & Associations for the announcement of the Gerson Award for Excellence in Esthetic Education.

Application forms for the Aurie J. Gosnell Scholarship were also received.

OTHER BUSINESS BEFORE THE BOARD

Ms. Heeney advised the Board that there was a provision in the law that licensed Aestheticians whom have 900 hours of teaching experience prior to the enactment of the law on June 27, 2010 can be Grandfathered in as an Aesthetics Instructor.

Until recently, there had not been a request for this provision or an application for this experience-based Instructor license.

The Board reviewed a draft application for this license type.

Ms. Witte introduced James Taylor, the new Cosmetology Inspector, to the Board.

PUBLIC COMMENT

Christine Tucci stated that she has had several people who were licensed in the 1970's-1980's come into her school requesting their transcripts of hours because their licenses are lapsed and they want to start practicing again and she wanted to know what she should tell these people.

Ms. Witte advised that if they are licensees who are in a lapsed status, they must reinstate their licenses and they could do so be either doing an apprenticeship, taking the exam again or going back to school for additional hours.

Trina Carter states that she is with the Paul Mitchell School in Newark, DE and there is another school located in Dover, DE that is holding themselves out as also being a Paul Mitchell School and this is not legitimate.

Ms. Heeney advised that this may have to be an issue that is brought to the attention of the Department of Education.

In addition, Ms. Carter stated that she has a student who wanted to enroll in her school who was homeschooled in Illinois and was advised by this student that there are no regulations for homeschooling in this State and wanting to know how she should handle getting transcripts.

Ms. Witte advised the process in Delaware for homeschooled students and what will be acceptable to the Board in regards to documentation and added that she can contact the State of Illinois to verify their regulations.

NEXT SCHEDULED MEETING

The next Board meeting cannot be on May 28, 2012 as this is a holiday. Ms. Witte will send out a few dates to see which will work best for the Board.

ADJOURNMENT

A motion was made by Ms. Guilbert, seconded by Ms. Boulden, to adjourn the meeting. The motion was unanimously carried. The meeting adjourned at 10:45 a.m.

Respectfully submitted,

Jennifer Witte
Administrative Specialist, II